

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT,

Plaintiff(s),

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, et al.,

Defendant(s).

CASE NO. C23-1127-KKE

ORDER AS TO PRODUCTION
DEADLINES AND STATUS REPORT

This matter comes before the Court on the parties' joint status report. Dkt. No. 22.

The Court previously ordered Defendants to produce all video responsive to Plaintiff's Freedom of Information Act ("FOIA") request no later than March 8, 2024. *See* Dkt. No. 21. Defendants believe they complied with that order, but Plaintiff has identified 12 items "that Plaintiff believes [Defendant U.S. Immigration and Customs Enforcement ("ICE")] may have within its possession and that would be responsive to Plaintiff's FOIA request." Dkt. No. 22 at 2. To date, "ICE has not been able to determine if such items exist or are responsive." *Id.*

1 Defendants indicate that they will continue to identify, process, and release any responsive
2 records “as they become available[,]” and request that the Court order the parties to provide a
3 status update on that production on April 29, 2024. Dkt. No. 22 at 2.

4 Plaintiff requests that the Court order Defendants to complete their search by April 5, 2024,
5 and further requests that Defendants should be required to process and produce any responsive
6 records no later than April 19, 2024, and the parties should provide a status report (including a
7 proposed briefing schedule, if necessary) no later than April 29, 2024. Dkt. No. 22 at 3.

8 If no responsive records are found by April 5, 2024 (as documented in a declaration
9 provided to Plaintiff by that date, describing the search process), then Plaintiff requests that the
10 Court order the parties to provide a status report (including a proposed briefing schedule, if
11 necessary) no later than April 12, 2024. Dkt. No. 22 at 3–4.

12 Based on Defendants’ previous lack of diligence in responding to Plaintiff’s FOIA request
13 and court orders (*see* Dkt. Nos. 12, 21), the Court finds it appropriate to provide deadlines for
14 Defendants to respond to Plaintiff’s enumerated requests. The Court therefore adopts Plaintiff’s
15 proposed timeline and ORDERS:

16 (1) Defendants shall complete their search for responsive records as enumerated in
17 Plaintiff’s list no later than April 5, 2024.

18 (2) If no responsive records are found, Defendants shall provide a draft declaration to
19 Plaintiff on April 5, 2024, describing the search process Defendants used. The parties
20 shall file a status report as to any outstanding issues no later than April 12, 2024, and
21 include a proposed briefing schedule, if necessary.

1 (3) If responsive records are found, they shall be produced to Plaintiff no later than April
2 19, 2024, and the parties shall file a status report as to any outstanding issues no later
3 than April 29, 2024, and include a proposed briefing schedule, if necessary.

4 Dated this 1st day of April, 2024.

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7 Kymberly K. Evanson
8 United States District Judge
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